

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

KEVIN L. DICKENS, :
: Plaintiff, :
: :
v. : Civil Action No. 04-201-JJF
: :
COMMISSIONER STAN TAYLOR, :
et al, :
: :
Defendants. :
:

MEMORANDUM ORDER

Presently before the Court is Plaintiff's Motion (I) For Leave To Exceed The Ten (10) Deposition Limit; (II) To Amend The Scheduling Order; and (III) For A Protective Order And/Or To Stay The Scheduled Depositions (D.I. 122). The motion is opposed on various grounds by Defendants. Plaintiff argues that good cause exists to amend the present scheduling order and to allow a discovery deadline of March 31, 2009. After reading the papers submitted by the parties, I agree with Plaintiff and will extend the discovery deadline as requested.

The remaining two applications involve what will occur in the extended discovery period. The parties papers are replete with back and forth contentions as to the reasons why discovery has become stalled since Plaintiff's counsel entered their appearance. I have not found bad faith on the part of either side of this dispute, and I am persuaded that ten (10) depositions should be sufficient given the facts of this case. However, I find those depositions can only go forward if

Plaintiff's counsel is permitted time to review the approximate 950 documents that have been produced. For this reason, I will permit Plaintiff to reschedule all presently noticed depositions to a time convenient to both the Plaintiff and Defendants.

Therefore, IT IS HEREBY ORDERED that Plaintiff's motion is resolved as follows:

- 1) Motion to Exceed the Deposition Limit is **DENIED**.
- 2) Motion to Amend the Scheduling Order is **GRANTED**.
- 3) Motion for a Protective Order And/Or Stay the Scheduled Depositions is **GRANTED** to the extent that the presently scheduled depositions shall be rescheduled.

February 20, 2009
DATE


UNITED STATES DISTRICT JUDGE